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UNDER

SEAL

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U.S. DEPT. OF JUSTICE

2005 AUG 26 P 12: 23

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Defendants.

CONDITIONALLY UNDER SEAL

PETITION FOR EXCEPTION TO SEAL

213

1 hereby brings this *ex parte* petition to modify the present seal order issued in this case on
 2 July 15, 2005, to allow limited disclosures as described herein.

3 BACKGROUND

4 Upon hearing had on July 15, 2005, this Court issued the following orders in
 5 connection with Plaintiff's Complaint filed in the case:

- 6 ▪ **Preservation Order:** an order preserving now-existing electronic evidence in
 7 the possession, custody and/or control of non-parties, which is subject to
 8 intentional, inadvertent, and/or automated deletion;
- 9 ▪ **Expedited Discovery Order:** allowing the immediate discovery of identifying
 10 information through third-party subpoenas, required for the full and accurate
 11 identification and location of defendants, which was issued upon the posting of
 12 a \$10,000.00 bond with the Court; and
- 13 ▪ **Order for Filing Under Seal:** ordering that any and all papers submitted in the
 14 case, as well as the case docket and any orders issued, shall be filed and kept
 15 under seal, to protect against notice of this action to as yet unidentified parties
 16 and non-parties shown to be highly likely to destroy evidence or evade service,
 17 discovery and identification.

18 Plaintiff sought and was granted the above motions on an *ex parte* basis, good
 19 cause having been shown and found therefore.

20 Since these orders were issued, Plaintiff has conducted the discovery sought
 21 pursuant to the Expedited Discovery Order, and the Preservation Order has been
 22 provided to and effectuated by the third-party subjects of the subpoenas served.

23 LIMITED EXCEPTION FROM SEAL ORDER SOUGHT

24 In the time since the granting of the above orders, including the Order to File
 25 Under Seal, the need has arisen on the part of Plaintiff to make disclosures regarding the
 26 existence and nature of the current litigation in the course of Plaintiff's corporate
 27 administration and related duties as specified below. Such disclosure is necessary for
 28 the operation of Plaintiff's business, and disclosure pursuant thereto would not frustrate

1 the purpose of the initial seal order sought – that is, preservation of evidence, and
 2 minimizing notice to Defendants to prevent the likelihood of evasion of service and
 3 location.

4 **1. Exception sought is for limited purposes of disclosures pursuant to**
 5 **private offering for sale of shares of Plaintiff corporation.**

6 Plaintiff, a privately-held Grand Cayman company, contemplates various private
 7 sales of its shares to private individuals and investors. Pursuant to the bringing of fruition
 8 of such offerings and sales, and as required under law, Plaintiff is required to disclose
 9 information material to the present and future valuation of Plaintiff's business, and any
 10 matter that may materially affect its business. As such, Plaintiff is under a duty to
 11 disclose to any such potential investors the existence and nature of the present case.

12 **2. Disclosure would be strictly limited in scope for the purpose sought.**

13 Scope of disclosure of the documents in the case would be made for the strictly
 14 limited purpose described above. As to the parties to which disclosure shall be made,
 15 disclosure shall be limited to (1) the counsel retained pursuant to such purpose by any
 16 such investor or potential investor corporation, and (2) to one insider executive officer of
 17 any such investor or potential investor.

18 **3. Disclosure would be subject to highly confidential treatment pursuant to**
 19 **an executed confidentiality agreement.**

20 Any such disclosure made as described above will be held and subject to strict
 21 confidential treatment. Any parties to which disclosure shall be made will be required to
 22 execute and agree to be bound by a confidentiality agreement, accompanied by a copy of
 23 any order issued pursuant to this petition, and prohibiting further disclosure to any other
 24 party for any purpose, requiring confidential handling of any documents disclosed, and
 25 notifying them that violation of such agreement will constitute acts in contempt of Court.
 26 Any documents disclosed thereunder shall be conspicuously labeled as "CONFIDENTIAL
 27 – ATTORNEYS / EXECUTIVE EYES ONLY."

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1 **WHEREFORE**, Plaintiff prays that this Court issue the order requested herein, in
2 the form filed herewith.

3
4 DATED: August 26, 2005.

KRONENBERGER & ASSOCIATES

5
6 By: Karl S. Kronenberger
7 Karl S. Kronenberger
8 Terri R. Hanley
9 Attorneys for Plaintiff
10 ST. MATTHEW'S UNIVERSITY (CAYMAN) LTD.

11
12 DATED: August 26, 2005.

GREENBERG TRAURIG, LLP

13 By: Mark G. Tratos
14 Mark G. Tratos
15 F. Christopher Austin
16 Ronald D. Green, Jr.
17 Designated Local Counsel for Plaintiff
18 ST. MATTHEW'S UNIVERSITY (CAYMAN) LTD.

ORIGINAL

GREENBERG TRAURIG LLP

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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

**ST. MATTHEW'S UNIVERSITY (CAYMAN)
LTD. a Cayman Islands company,**

Plaintiff,

vs.

**ASSOCIATION OF AMERICAN
INTERNATIONAL MEDICAL
GRADUATES, a Nevada domestic
corporation; "presaaimg@hotmail.com,"
a.k.a. THOMAS MOORE, M.D., an
individual;
"execsecaimg@hotmail.com," a.k.a.
SARAH WEINSTEIN, an individual;
RACHAEL E. SILVER, an individual; and
DOES 1-10,**

Defendants.

Case No. CV-S-05-0848-RCJ(LRL)

[PROPOSED]

ORDER RE FILING UNDER SEAL

CONDITIONALLY UNDER SEAL

After consideration upon petition properly brought by Plaintiff ST. MATTHEW'S
UNIVERSITY (CAYMAN) LTD. in the above-captioned case, and good cause having
been found therefore, IT IS HEREBY ORDERED:

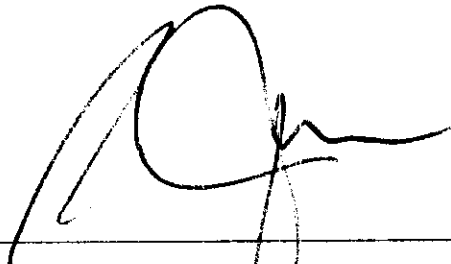
1 Plaintiff shall be allowed disclosure of the documents in the case in connection
2 with any private sales or offering for sale of its shares to private investors.

3 Disclosure pursuant to such limited purpose shall be limited to (1) the counsel
4 retained pursuant to such purpose by any such investor or potential investor corporation,
5 and (2) to one insider executive officer of any such investor or potential investor.

6 Any such disclosure made as described above will be held and subject to strict
7 confidential treatment. Any parties to which disclosure shall be made will be required to
8 execute and agree to be bound by a confidentiality agreement, accompanied by a copy
9 of this Order, which shall prohibit further disclosure to any other party for any purpose,
10 require confidential handling of any documents disclosed, and notify them that violation
11 of such agreement will constitute acts in contempt of Court. Any documents disclosed
12 thereunder shall be conspicuously labeled as "CONFIDENTIAL – ATTORNEYS /
13 EXECUTIVE EYES ONLY."

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15 **IT IS SO ORDERED.**

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17 DATED: 8-30-05

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20 UNITED STATES DISTRICT JUDGE
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